

Appl. No. 09/978,395
Amdt. dated 7/13/06
Reply to Office action of 5/19/06

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-15 remain in the application and are subject to examination. No claims have been amended, added or canceled.

In "Claim Rejections - 35 USC § 112", item 5 on page 3 of the above-identified Office Action, claims 12 and 13 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner quotes the claim language "an output; and a processing unit connected to said output and programmed to" and states that "it is unclear how an output can exist as any part of the makeup of an apparatus" and that "an output is not a material or a device and is simply a result of a process."

Although the Examiner's definition of "output" is certainly one definition, it is not the only one and is not the meaning intended in claims 12 and 13 of the instant application.

Enclosed is a copy of the definition of the noun "output" from Miriam-Webster Online Dictionary, in which the noun

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"output" is defined in definition 3 as "the terminal for the output of an electrical device."

Thus, to use the Examiner's wording, the output of claims 12 and 13 is a device which is part of the makeup of an apparatus.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

In "Claim Rejections - 35 USC § 112", item 6 on pages 3-4 of the Office Action, claims 12 and 13 have also been rejected as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, under 35 USC § 112, first paragraph.

More specifically, the Examiner has stated that claims 12 and 13 are written in "single means claim format."

However, as stated above, the "output" of claims 12 and 13 is a physical device and therefore claims 12 and 13 contain an output and a processing unit and therefore are not written in "single means claim format."

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The Examiner once again mentioned the issue of an "underwriter." Once again, Applicants would state that this issue is not applicable to the instant application. See the previous Amendment.

It is accordingly believed that the claims also meet the requirements of 35 U.S.C. § 112, first paragraph.

In view of the foregoing, reconsideration and allowance of claims 12 and 13 and the issuance of a Notice of Allowance for claims 1-15, are solicited.


In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to Deposit Account Number 12-1099 of Lerner Greenberg Steiner LLP.

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Please charge any other fees that might be due with respect
to Sections 1.16 and 1.17 to Deposit Account Number 12-1099
of Lerner Greenberg Stemer LLP.

Respectfully submitted,



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LAG/bb

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APPLICATION NO. 09/978,395 TC/AU 3639



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Merriam-Webster Online Dictionary

output

2 entries found for **output**.
To select an entry, click on it.

output(1,noun)
output(2,transitive verb)

Main Entry: **1**out-put

Pronunciation: 'aut-'put

Function: *noun*

1 : something produced: as **a** : mineral, agricultural, or industrial production <steel *output*> **b** : mental or artistic production <literary *output*> **c** : the amount produced by a person in a given time **d** : power or energy produced or delivered by a machine or system (as for storage or for conversion in kind or in characteristics) <generator *output*> <solar X-ray *output*> **e** : the information produced by a computer

2 : the act, process, or an instance of producing

3 : the terminal for the output on an electrical device

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